

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte PETER J. FERNHOLZ, SANDRA WITT,  
HANS-PETER KOEHLER, WOLFGANG PREIBSCH,  
HORST PRUEHS and KARL-HEINZ ROGMANN

---

Appeal No. 96-2059  
Application 08/182,869<sup>1</sup>

---

ON BRIEF

---

Before SOFOCLEOUS, KIMLIN, and JOHN D. SMITH, Administrative  
Patent Judges.

JOHN D. SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal pursuant to 35 U.S.C. § 134 from the final  
rejection of claims 1-21. Subsequent to final rejection, claim 4

---

<sup>1</sup> Application for patent filed January 14, 1994. According  
to applicants, the application is a continuation-in-part of  
Application 08/057,728, filed May 5, 1993.

Appeal No. 96-2059  
Application No. 08/182,869

was canceled. Claims 22-33 stand withdrawn from further consideration as directed to a non-elected invention.

Claim 1 is representative and is reproduced below:

1. A process for the formation of a unitary solid cleaning product from a bed of particulate matter, said process comprising the steps of:

(A) providing a container with walls penetrable by subinfrared electromagnetic radiation and having within the container a bed of particles of raw material, at least part of said raw materials being a hydrated material; and wherein at least about 50% of the mass of the bed of particles of raw material consists of material selected from the group consisting of alkali metal and alkaline earth metal salts of sulfates, carbonates, silicates, phosphates, hydroxides, borates, and citrates,

(B) irradiating the bed of particles provided in step (A) for a sufficient time with subinfrared electromagnetic radiation of sufficient energy to cause the temperature of at least part of said raw material to rise, and subsequently discontinuing the irradiation of raw material and cooling it, so as to transform the bed of particles into a macrosolid within said container, said macrosolid having a bulk volume that is not grater [sic, greater] than 1.20 times the bulk volume of the particle bed from which it was formed.

The references of record relied upon by the examiner are:

DiSalvo et al. (DiSalvo)	3,849,327	Nov. 19, 1974
Wevers	4,087,369	May 2, 1978
Joshi	4,451,386	May 29, 1984
Thorsrud	4,968,726	Nov. 6, 1990

Claims 1-3, 5-7, 12-15, 19 and 20 stand rejected under 35 U.S.C. § 103 as unpatentable over Thorsrud in view of Joshi. Claim 8 stands rejected under 35 U.S.C. § 103 as unpatentable over Thorsrud in view of Joshi and DiSalvo. Claims 9-11, 16-18,

Appeal No. 96-2059  
Application No. 08/182,869

and 21 stand rejected under 35 U.S.C. § 103 as unpatentable over Thorsrud in view of Joshi and Wevers. We reverse.

The subject matter on appeal is directed to a process for forming a unitary solid (macrosolid) cleaning product (such as a detergent in the form of a tablet) by irradiating a bed of certain defined starting particles in a container with subinfrared electromagnetic radiation to raise the temperature of the particles "so as to transform the bed of particles into a macrosolid" (appealed claim 1) within the container when cooled. The term "macrosolid" is defined in the specification at page 1, line 15 to page 3, line 14, inter alia, as sufficiently large as to include within itself at least one hypothetical cube having dimensions of 2.5 mm., as contrasted to conventional granular or powdered solid cleaning products.

As evidence of obviousness of the claimed process, the examiner relies on the combined teachings in Thorsrud and Joshi. We agree with appellants that the examiner's "primary reference," Thorsrud, is only remotely related to the specific subject matter defined by the appealed claims. Thorsrud is related to a method for enhancing the radio frequency sensitivity for a "wide variety of compositions" (column 1, line 40) so that "a multiplicity of products" can be produced "for a multiplicity of purposes"

Appeal No. 96-2059  
Application No. 08/182,869

(column 1, lines 43-48) by adding to the composition, inter alia, zeolite compounds, i.e., crystalline alkali or alkaline earth metal aluminosilicates. That the reference refers to a "wide variety of compositions" and the term "compositions" is broad enough to include "detergents" (answer, page 4), is inadequate to teach or suggest the processing of a solid cleaning product as claimed by appellants, especially since the only exemplified application of Thorsrud's process involves polymer processing. Joshi merely discloses a conventional tableting pressure technique for forming detergent tablets. Accordingly, we agree with appellants that the examiner has failed to identify any persuasive reasons which would have motivated one of ordinary skill in the art to combine the teachings of the relied upon references. Moreover, Thorsrud contains no disclosure of irradiating a bed of particles to form a macrosolid as called for in the specifically limited appealed claims. Accordingly, even if the teachings of the references were combined in the manner proposed by the examiner, it is not apparent that one would arrive at the claimed subject matter, and DiSalvo and Wevers do not remedy the basic deficiencies in the examiner's principal rejection.

Appeal No. 96-2059  
Application No. 08/182,869

The decision of the examiner is reversed.<sup>2</sup>

REVERSED

MICHAEL SOFOCLEOUS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
EDWARD J. KIMLIN	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
JOHN D. SMITH	)	
Administrative Patent Judge	)	

JDS:svt

---

<sup>2</sup>Prior to passing the application to issue, the examiner should carefully review the prosecution and applied prior art in related application 08/882,545 filed June 25, 1997.

Appeal No. 96-2059  
Application No. 08/182,869

Real J. Grandmaison  
Henkel Corporation Patent Department  
2500 Renaissance Boulevard, Suite 200  
Gulph Mills, PA 19406